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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/28/2001

Hiroshi Yamada

FUJI 19.210

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10/27/2006

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EXAMINER

HARRELL, ROBERT B

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,004

Applicant(s)

YAMADA, HIROSHI

Examiner

Robert B. Harrell

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached Office Action</u> . |

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1. Claims 1-11 remain for examination.
2. The applicant should always use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks TM, and other legal symbols ®, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., provide proper antecedent basis for "the" and "said" within each claim). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless -

(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

4. **Claims 1-11 are rejected under 35 U.S.C. 102 (e)** as being anticipated by Chiu et al. (United States Patent Number: US 6,597,689 B1).

5. Prior to addressing the grounds of the rejections below, should this application ever be the subject of public review by third parties not so versed with the technology (i.e., access to IFW through Public PAIR (as found on <http://portal.uspto.gov/external/portal/pair>)), this Office action will usually refer an applicant's attention to relevant and helpful elements, figures, and/or text upon which the Office action relies to support the position taken. Thus, the following citations are neither all-inclusive nor all-exclusive in nature *as the whole of the reference is cited* and relied upon in this action as part of the substantial evidence of record. Also, no temporal order was claimed for the acts and/or functions.

6. Per claim 1, Chiu taught a connection data change device (e.g., see figure 2) comprising:
a) a connection data management part (e.g., see figure 16 (NMS functionality 600)) configured to manage connection data for connecting an associated switching unit, in which the connection data change device is provided, (i.e., DSL in figure 2 and/or ATM 133 in figure 2) with an external switching unit (e.g., 101 (IMAS) in figure 2, figure 16), and col. 19 (lines 24-37)); and

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b) a change operation part configured (e.g., see figure 16 (604) and/or figure 18 (465) with figure 18 (452)) to change the connection data so that the connection with the external switching unit is changed to a fixed connection type (e.g., "PVC" per col. 3 (lines 36-65)) or a variable connection type (e.g., "SVC" per col. 3 (line 66-et seq.));

c) wherein said change operation part changes the connection to the external switching unit from the variable connection type (SVC) to the fixed connection type (PVC) upon receiving a request to change the connection to the external switching unit (e.g., see col. 18 (line 15-et seq.)).

7. Per claim 2, claim 3, claim 4, claim 5, claim 6, and claim 7, commands originate from the outside per figure 16 (601 and 605) in the form of messages col. 8 (lines 42-44) to change the external switch from a variable SVC connection type to a fixed PVC connection type, as released from a fixed connection type to a variable connection type, after the state of the external switch is derived from an analysis of the external switch per col. 59 (line 50-et seq.) and col. 77 (line 29-et seq.)).

8. Per claim 8, claim 9, claim 10, and claim 11, these claims do not teach or defined above the correspondingly rejected claims given above, and are thus rejected for the same reasons given above.

9. The rejection, and grounds for rejection, under 35 U.S.C. 102(e) as presented in examiner's prior Office Action mailed 11 April 2006, are hereby maintained and incorporated in this Office Action by reference.

10. The applicant argued in his 07 August 2006 response by stating in substance that col. 19 (lines 5-12) describe the network management system in Chiu being provided to perform PVC-to-SVC and SVC-to-SVC translation. As such, Chiu does not disclose, for example, a SVC-to-PVC translation. However, taking claim 1, for example, the operation of the change operation part configured to change the connection data so that the connection with the external switching unit is changed to a fixed connection type or a variable connection type is satisfied, reached, or encompasses wherein said change operation part changes the connection to the external switching unit from the variable connection type to the fixed connection type upon receiving a request to change the connection to the external switching unit thus the first operation is mooted by the second operation that also satisfies the first operation. That is to say, for example, a car configured to change the driving direction so that the direction is changed to Miyazaki (Japan) or Hokkaido (Japan) is satisfied, reached, or encompasses a car changing the direction from Miyazaki to Hokkaido upon receiving a request to change direction. Another example would be stepping into a blue square or green square encompasses stepping specifically into the green square from the blue square upon request; one is optional, the other mandatory, and the mandatory is encompassed by the optional and hence the optional is reached by the mandatory. In all, the optional is mooted by the function of the mandatory. Furthermore, taking claim 1 as an example, lines 2-4 sets up two switches and the management thereof clearly shown by all the substantial evidence of record; thus leaving any novelty with only the last three lines of claim 1, as an example, which recites toggling from a variable connection to a fixed connection upon request. Such was clearly covered by Chiu in col. 18 (line 15-et seq.). Since there was a

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forced fixed connection type, lines 5-7 of claim 1 for example, was also reached in Chiu. Indeed, col. 19, lines 5-12 describe the network management system in Chiu being provided to perform PVC-to-SVC translation. However, since traffic flows in both directions, there is also a SVC-to-PVC translation from the ATM side to the MODEM side also upon request.


11. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (571) 272-3895. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew T. Caldwell, can be reached on (571) 272-3868. The fax phone number for all papers is (703) 872-9306.

15. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.


ROBERT B. HARRELL
PRIMARY EXAMINER
GROUP 2142